

III. REMARKS

Applicant has considered the Office Action with mailing date of January 29, 2008. Claims 1 – 9 and 10 – 21 are pending in this application. By this amendment, claims 1, 8 and 15 have been amended Applicant is not conceding in this application that those claims are not patentable over the art cited by the Office. The present claim amendments are only for facilitating expeditious prosecution. Applicant does not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant respectfully reserves the right to pursue the full scope of the subject matter of these original claims and other claims in one or more subsequent patent application that claim(s) priority to the instant application.

Entry of this Amendment is proper under 37 C.F.R. §1.116(b) because the Amendment: (a) places the application in condition for allowance as discussed below; (b) does not raise any new issues requiring further search and/or consideration; and (c) places the application in better form for appeal. Accordingly, Applicants respectfully request entry of this Amendment.

In the Office Action, claims 1 – 8, 10 – 21 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over “Java and Websphere Performance”, IBM Redbooks, February 2002, section Performance Explorer PEX, hereinafter “PEX-Feb 02” in view of “Collecting and Analyzing PEX Trace Profile Data”, IBM Rochester Lab, September 2002, hereinafter “PEX-Sep02” and further in view of U.S. Patent Publication No. 2003/0236992 A1, hereinafter “Yami”.

Reconsideration in view of the following remarks is respectfully requested.

A. OBJECTION OF CLAIM 8

Applicant submits that independent claim 8 has been corrected as suggested by the Office on Page 4 of current Office Action. Currently amended claims 8 recites, *inter alia*, “A computer implemented system, embodied in a computer readable, *recordable* and executable medium, for analyzing messages ...”. Applicant respectfully submits that the current amendment in the claim language in independent claim 8 and all claims dependent therefrom satisfies the Office’s interpretation of statutory subject matter. Accordingly, Applicant respectfully requests that the objection be withdrawn.

B. REJECTION OF CLAIMS 1 – 21 UNDER 35 U.S.C. §103(a)

With regard to the 35 U.S.C. §103(a) rejection of claims 1– 8, 10 – 21 as allegedly being unpatentable over PEX-Feb02 in view of PEX-Sep02 and Yami, Applicant submits that the cited references do not teach each and every feature of the claimed invention. Currently amended independent claim 1 recites, *inter alia*, “message analysis criteria for analyzing messages crafted in natural language for an end user of a computer program, ...wherein the message analysis criteria determines lingual metrics corresponding to the messages for computing estimates of lingual translations of each of the messages...”. Independent claims 8 and 15 have also been similarly amended. Support for the amendment is found in ¶[0004] and ¶[0005] in the originally filed specification of this application.

The Office asserts on page 3 of the current Office Action that “the number of log files allowed to translate an original log file to said determined number of secure log files in Yami at ¶[0030] and ¶[0055] discloses the claimed message analysis criteria. However, Yami’s logger 101 in

¶[0030] and ¶[0055] for translation of original log files into secured log files does not involve considerations of any lingual aspect of the natural language used for conveying each message. On the contrary, Yami at ¶[0027] discloses that a [1]ogger 101 *logs information about events* that occur during the lifetime of a software system...”. Since the logging of events is not computing estimates of lingual translations of each message (i.e., translation from one natural language into another natural language for human interpretation), there is no nexus between the claimed feature and the subject matter disclosed in Yami. Without a nexus between Yami and the claimed feature, a person of ordinary skill would not find the motivation to modify or combine Yami with primary reference(s), PEX-Feb02 and/or PEX-Sep02. Even when a person of ordinary skill combines the primary reference(s) with Yami, the claimed invention will not be achieved because the translation of logged events into secured logged files does not determine computational estimates of translating each message from one natural language to another. Accordingly, Applicant respectfully requests that the Office withdraw this rejection.

Even assuming *arguendo* that Yami’s logging activities suggest computing of estimates in lingual translations, a person of ordinary skill will not find the motivation to apply the logging techniques to PEX-Feb02 and PEX-Sep02. Both PEX-Feb02 and PEX-Sep02 teach the ability to analyze *a running code* (i.e., machine language) and not analyzing a *message crafted in natural language* as in the claimed invention. To this extent, a person of ordinary skill seeking a *method to analyze messages crafted in natural language* would not find any likelihood of success by modifying or combining Yami’s *logging activities* with collecting of *performance data of the program running code* in PEX-Feb02 and PEX-Sep02. As such, there is no *prima facie* obviousness and Applicant respectfully requests that the Office withdraw this rejection.

The Office asserts that PEX-Feb02 at page 46 – 48 discloses that “analyzing messages associated with computer program code ...does not exclude analyzing performance data...wherein the performance data include different types of message such as *STATS, *TRACE, and *PROFILE”. Page 3 of current Office Action. Applicant submits that analyzing a running code through collecting performance data is not comparable to analyzing messages for the purposes of translating a message from one natural language to another natural language. Although PEX-Feb02 provides for collecting performance data in the three different modes of Statistical, Profile and Trace (i.e., *STATS, *TRACE, and *PROFILE), each of these modes are not messages crafted in natural language *per se*. These modes are but different sets of CL commands through different definitions. Page 41, line 8 – 11. As set out on page 41, lines 12 – 15, “Statistical [mode]: ***Identifies applications and IBM programs*** or modules that consume excessive CPU use...[and] identify[ies] ***programs that should be investigated*** further as potential performance bottle necks.” On page 41, line 16 – 17, “Profile [mode]: ***Identifies high-level programs that consume excessive CPU utilization*** based on source program statement numbers.” Further, page 41, lines 18 – 23 discloses that Trace [mode]: ***Gathers a historical trace of performance activity*** detailed program, licensed Internal Code (LI)...”. In contrast to the claimed method of analyzing a message crafted in natural language, performance data delivered according to the respective modes in PEX-Feb02, do not determine lingual metrics of translations from one natural language to another in a message. Therefore, the Office’s assertion that these are examples of messages of the claimed invention is incorrect. As such, the claimed feature of analyzing messages ***excludes*** analyzing performance data. Accordingly, Applicant respectfully requests that the Office withdraw the rejection.

In view of the foregoing arguments, Applicant respectfully request that the Office withdraw the rejection and allow the independent claim 1. Applicant submits that the same

amendments have been made in independent claims 8 and 15. Consequently, Applicant reiterates the foregoing arguments with respect to currently amendment claims 8 and 15 and respectfully requests that the Office withdraw the rejection.

Turning to the Office's other arguments regarding dependent claims, Applicant incorporates the above arguments. In addition, Applicant submits that all dependant claims are allowable based on their own distinct features. However, for brevity, Applicant will forego addressing each of these rejections individually, but reserves the right to do so should it become necessary. Accordingly, Applicant respectfully requests that the Office withdraw its rejection.

IV. CONCLUSION

In addition to the above arguments, Applicant submits that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicant does not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicant does not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicant reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicant respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the number listed below.

Respectfully submitted,

/Hunter E. Webb/
Hunter E. Webb
Reg. No.: 54,593

Dated: March 28, 2008

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, NY 12207
Telephone: (518) 449-0044
Fax: (518) 449-0047
HEW/TC